

Amendment and Response

Page 3 of 7

Serial No.: 09/941,495

Confirmation No.: 7146

Filed: August 29, 2001

For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS**Remarks**

The Office Action mailed 20 November 2002 has been received and reviewed. Claims 15, 18-19, and 21 have been amended. Claim 17 has been cancelled without prejudice.

Applicants have amended claim 15 with subject matter recited in claims 17 and 18, and amended claim 19 with subject matter recited in claim 21. No new matter has been added to claims 15 and 19.

The pending claims are claims 15-16, 18-21, and 83-92. Reconsideration and withdrawal of the rejections are respectfully requested

The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claims 15-21 and 83-92 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner asserted that it was unclear what was meant by "at least one optional" recited in the instant claims.

Applicants have amended claims 15 and 19 to more clearly recite the claimed subject matter.

Applicants respectfully request reconsideration and allowance of claims 15-16, 18-21, and 83-92.

The 35 U.S.C. §102 Rejection

The Examiner rejected claims 15-21 and 83-92 under 35 U.S.C. §102 as being anticipated by Sato et al. (U.S. Patent No. 4,837,260). Applicants address each rejection in detail as follows.

Applicants amended claims 15 and 19 to more clearly describe the claimed subject matter. Insofar as the rejection is applied to claims 15 and 19, Applicants respectfully traverse the rejections, as follows.

Applicants respectfully submit Sato et al. fail to anticipate the subject matter of claims 15 and 19 as Sato et al. fail to teach each and every element as set forth the claims. For example,

Amendment and Response

Page 4 of 7

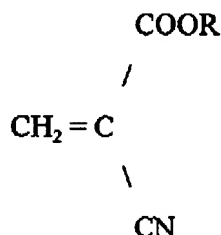
Serial No.: 09/941,495

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For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS

Sato et al. fail to teach, beside other things, a cyanoacrylic adhesive component comprises a monomer of the formula:



where R is selected from the group of an alkaryl, a cycloalkenyl, an aralkyl, a 2-chlorobutyl group, a methallyl group, a crotyl group, and a 2-methoxyethyl group, as recited in claims 15 and 19.

With respect to claims 16 and 20, Sato et al. fail to recite an instant setting adhesive composition that has a thermal degradation temperature of about 300°C or more, as recited in claims 16 and 20. The Examiner asserted that for Sato et al. "[s]ince the cyanoacrylate is that of the instant claims it is expected to inherently have the instantly [*sic*] claimed thermal degradation temperature." Applicants respectfully traverse this assertion.

"To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Applicants respectfully submit that nothing in Sato et al. would teach that the cyanoacrylate compositions of Sato et al. possess the thermal degradation temperatures recited in claims 16 and 20. In addition, nothing in Sato et al. makes clear that the missing descriptive matter is necessarily present in the instant setting adhesive of Sato et al. As such, there is no teaching of the thermal degradation temperatures recited in claims 16 and 20 in Sato et al., as suggested by the Examiner.

Amendment and Response

Page 5 of 7

Serial No.: 09/941,495

Confirmation No.: 7146

Filed: August 29, 2001

For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS

Claim 17 was cancelled, rendering the basis for the rejection moot.

With respect to claims 18 and 21, Applicants respectfully traverse the rejection of the claims and respectfully submit that Sato et al. fail to teach each and every element as set forth the claims. For example, Sato et al. fail to teach an R group selected from the group of a benzyl group and a cresyl group, as recited in claims 18 and 21.

Finally, Applicants traverse the rejection of claims 83-87 and 88-92, and respectfully submit that claims 83-87 and 88-92 are patentable as further limitations of patentable base claims 15 and 19, respectively.

Applicants respectfully request reconsideration and allowance of claims 15-16, 18-21, and 83-92.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 15-21 and 83-92 under 35 U.S.C. §103 as being unpatentable over Sato et al. (U.S. Patent No. 4,837,260). Applicants address each rejection in detail as follows.

Applicants amended claims 15 and 19 to more clearly describe the claimed subject matter. Insofar as the rejection is applied to claims 15 and 19, Applicants respectfully traverse the rejections, as follows.

Applicants respectfully submit that Sato et al. fail to support a proper *prima facie* case of obviousness, as Sato et al., besides other things, fail to teach or suggest all the recited limitations of claims 15 and 19. For example, Sato et al. fail to teach or suggest the cyanoacrylic adhesive component as recited in claims 15 and 19. Applicants respectfully repeat the arguments presented above in addressing the anticipation rejection of claims 15 and 19 in support of this position. As such, Sato et al. fail to support a *prima facie* case of obviousness for the rejection of claims 15 and 19.

Claim 17 was cancelled, rendering the basis for the rejection moot.

Applicants respectfully traverse the rejection of the claims 18 and 21 and respectfully submit Sato et al. fail to support a proper *prima facie* case of obviousness, as Sato et al., besides

Amendment and Response

Page 6 of 7

Serial No.: 09/941,495

Confirmation No.: 7146

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For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS

other things, fail to teach or suggest all the recited limitations of claims 18 and 21. For example, Sato et al. fail to teach or suggest an R group selected from the group of a benzyl group and a cresyl group, as recited in claims 18 and 21.

Finally, Applicants traverse the rejection of claims 83-87 and 88-92, and respectfully submit that claims 83-87 and 88-92 are patentable as further limitations of patentable base claims 15 and 19, respectively.

Applicants respectfully request reconsideration and allowance of claims 15-16, 18-21, and 83-92.

Amendment and Response

Page 7 of 7

Serial No.: 09/941,495

Confirmation No.: 7146

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For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS**Summary**

It is respectfully submitted that the pending claims 15-16, 18-21 and 83-92 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
Micron Technology, Inc.

By
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Phone: (612) 305-1220
Facsimile: (612) 305-1228
Customer Number 26813



26813

PATENT TRADEMARK OFFICE

By: 

Mark J. Gebhardt
Reg. No. 35,518
Direct Dial (612)305-1216

Date

28 Feb 2003

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 20th day of February, 2002, at 3:45 pm (Central Time).

By: Name: SARA E. OLSON

**APPENDIX A - SPECIFICATION/CLAIM AMENDMENTS
INCLUDING NOTATIONS TO INDICATE CHANGES MADE**

Serial No.: 09/941,495

Docket No.: 150.00720103

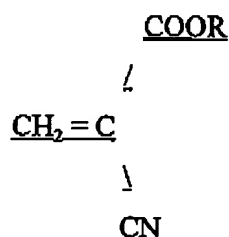
Amendments to the following are indicated by underlining what has been added and bracketing what has been deleted.

In the Claims

For convenience, all pending claims are shown below.

15.(AMENDED) An instant setting adhesive composition comprising:

an adhesive component selected from the group of a cyanoacrylate adhesive, an anaerobic acrylic adhesive, and mixtures thereof, wherein the cyanoacrylic adhesive component comprises a monomer of the formula:



wherein R is selected from the group of an alkaryl, a cycloalkenyl, an aralkyl, a 2-chlorobutyl group, a methallyl group, a crotyl group, and a 2-methoxyethyl group; and

at least one [optional] additive selected from the group of a thermal stabilizer, a thickener, a plasticizer, a toughener, a conductive filler, a dielectric additive, a moisture stabilizer, a curing inhibitor, an adhesion promoter, a storage stabilizer, a colorant, and an organic solvent;

wherein the instant setting adhesive composition has a thixotropic index from about 4 to about 6.

16. The instant setting adhesive composition of claim 15 wherein the instant setting adhesive composition has a thermal degradation temperature of about 300°C or more.

Amendment and Response - Appendix A

Page 2-A

Applicant(s): Cobbley et al.

Serial No.: 09/941,495

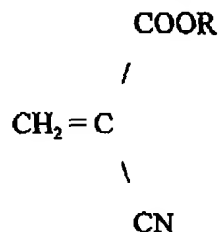
Filed: August 29, 2001

For: **ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS****17.(CANCELLED)**

18.(AMENDED) The instant setting adhesive composition of claim [17] 15 wherein R is selected from the group of [a methyl group, an ethyl group, an n-propyl group, an isopropyl group, an n-butyl group, an isobutyl group, a pentyl group, a hexyl group, an allyl group, a methallyl group, a crotyl group, a propargyl group, a cyclohexyl group,] a benzyl group[, a phenyl group,] and a cresyl group[, a 2-chlorobutyl group, a trifluoroethyl group, a 2-methoxyethyl group, a 3-methoxybutyl group and a 2-ethoxyethyl group].

19.(AMENDED) An instant setting adhesive composition comprising:

a cyanoacrylate adhesive component comprising a monomer of the formula:



wherein R is selected from the group of an alkaryl, a cycloalkenyl, an aralkyl, a 2-chlorobutyl group, a methallyl group, a crotyl group, and a 2-methoxyethyl group [a C₁₋₆ alkyl, a cycloalkyl, an alkenyl, an alkynyl, a cycloalkenyl, an alkaryl, an aralkyl, and an aryl group]; and

at least one [optional] additive selected from the group of a thermal stabilizer, a thickener, a plasticizer, a toughener, a conductive filler, a dielectric additive, a moisture stabilizer, a curing inhibitor, an adhesion promoter, a storage stabilizer, a colorant, and an organic solvent;

wherein the instant setting adhesive composition has a thixotropic index from about 4 to about 6.

Amendment and Response - Appendix A

Page 3-A

Applicant(s): Cobbley et al.

Serial No.: 09/941,495

Filed: August 29, 2001

For: ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS

20. The instant setting adhesive composition of claim 19 wherein the instant setting adhesive composition has a thermal degradation temperature of about 300°C or more.

21.(AMENDED) The instant setting adhesive composition of claim 19 wherein R is selected from the group of [a methyl group, an ethyl group, an n-propyl group, an isopropyl group, an n-butyl group, an isobutyl group, a pentyl group, a hexyl group, an allyl group, a methallyl group, a crotyl group, a propargyl group, a cyclohexyl group,] a benzyl group[, a phenyl group,] and a cresyl group[, a 2-chlorobutyl group, a trifluoroethyl group, a 2-methoxyethyl group, a 3-methoxybutyl group and a 2-ethoxyethyl group].

83. The instant setting adhesive composition of claim 15 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 120 seconds.

84. The instant setting adhesive composition of claim 15 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 120 seconds at a temperature of about 20°C to about 30°C.

85. The instant setting adhesive composition of claim 15 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 60 seconds.

86. The instant setting adhesive composition of claim 15 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 60 seconds at a temperature of about 20°C to about 30°C.

Amendment and Response - Appendix A

Page 4-A

Applicant(s):Cobbley et al.

Serial No.: 09/941,495

Filed: August 29, 2001

For: **ADHESIVE COMPOSITION FOR USE IN PACKAGING APPLICATIONS**

87. The instant setting adhesive composition of claim 15 wherein the instant setting adhesive composition substantially maintains a configuration on a surface upon which the instant setting adhesive composition was applied.

88. The instant setting adhesive composition of claim 19 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 120 seconds.

89. The instant setting adhesive composition of claim 19 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 120 seconds at a temperature of about 20°C to about 30°C.

90. The instant setting adhesive composition of claim 19 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 60 seconds.

91. The instant setting adhesive composition of claim 19 wherein the instant setting adhesive composition becomes non-flowable when applied to a surface within about 0.1 to about 60 seconds at a temperature of about 20°C to about 30°C.

92. The instant setting adhesive composition of claim 19 wherein the instant setting adhesive composition substantially maintains a configuration on a surface upon which the instant setting adhesive composition was applied.

PATENT
Docket No. 150.00720103IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Cobbley et al.)
Serial No.: 09/941,495)
Confirmation No.: 7146)
Filed: August 29, 2001)
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Group Art Unit: 1714
Examiner: Patrick Niland

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Assistant Commissioner for Patents
Attn: Examiner Patrick Niland
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PATENT TRADEMARK OFFICE

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By: [Signature]
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Reg. No. 35,518
Direct Dial (612)305-1216

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Date

Signature: [Signature]
Name: SARA E. OLSON

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